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15 **SUPERIOR COURT OF THE STATE OF CALIFORNIA**
16 **COUNTY OF SAN DIEGO**

17 **COORDINATION PROCEEDING**
18 **SPECIAL TITLE (RULE 1550(b))**
19 **NATURAL GAS ANTI-TRUST CASES I,**
20 **II, III & IV**

21 This Document Relates To:
22
23 **ALL PRICE INDEXING CASES**

JCCP Nos. 4221, 4224, 4226 and 4228

[PROPOSED] ORDER RE:

**(1) PLAINTIFFS' MOTION TO
COMPEL WILLIAMS' RESPONSES
TO INDEPENDENT PLAINTIFFS'
REQUESTS FOR ADMISSIONS, SET
ONE; AND**

**(2) PLAINTIFFS' MOTION TO
COMPEL CMS' RESPONSES TO
INDEPENDENT PLAINTIFFS'
SECOND SET OF SPECIAL
INTERROGATORIES**

Date: March 12, 2007
Time: 10:00 am
Dept: 71
Hon. Ronald S. Prager

**[PROPOSED] ORDER RE: (1) PLFS' MOTION TO COMPEL WILLIAMS' RESPONSES TO IND. PLFS' REQUESTS FOR
ADMISSIONS, SET ONE; AND (2) PLFS' MOTION TO COMPEL CMS' RESPONSE TO IND. PLFS' SECOND SET OF
SPECIAL INTERROGATORIES, JCCP Nos. 4221, 4224, 4226 and 4228**

FILING ID
14819701

F I L E D
Clerk of the Superior Court

MAY 16 2007

By: K SANDOVAL, Deputy

1 On March 12, 2007, the Court informally heard the requests of (1) the Independent
2 Plaintiffs to try to informally resolve The Williams Companies, Inc. and Williams Power
3 Company, Inc. (collectively "Williams") Objections to the Independent Plaintiffs' Requests for
4 Admissions re Scope of Discovery; and (2) the Independent Plaintiffs to try to informally resolve
5 CMS Energy Resources Management Company's (known during the relevant time period as
6 CMS Marketing Services and Trading Co.) ("CMS") objections to the Independent Plaintiffs'
7 Second Set of Interrogatories. Nancy L. Fineman of Cotchett, Pitre & McCarthy appeared for
8 Independent Plaintiffs. Michelle B. Goodman and Nitin Reddy of Sidley Austin LLP appeared
9 for Defendant CMS Energy Resources Management Company. Mark H. Hamer of DLA Piper
10 US LLP appeared for Defendant Williams Power Company, Inc. Also appearing in person were
11 Joel B. Kleinman of Dickstein Shapiro LLP for Defendant Duke Energy Corporation; Noah A.
12 Katsell of DLA Piper US LLP, for Defendant Williams; Christopher J. Healey of Luce, Forward,
13 Hamilton & Scripps for Defendant Reliant Energy Services, Inc., and Hal Gibson of Krause,
14 Kalfayan, Benink & Slavens for the Class. Appearing by telephone were Richard P. Levy of
15 Gibson, Dunn & Crutcher for the Sempra Defendants; Diane McGimsey of Sullivan & Cromwell
16 for Defendant EnCana Corp.; Brian J. Nese of Stroock, Stroock & Lavan for Defendant Sempra
17 Energy Trading Corp.; Bennett G. Young of LeBoeuf Lamb Greene & MacRae LLP for
18 Defendant Aquila Merchant Services, and Joshua Lichtman of Fulbright & Jaworski LLP for
19 Defendant Coral Energy Resources.

20 After discussing this matter with counsel and obtaining an informal resolution of this
21 matter, the Court finds and orders as follows:

22 1. As a guide for future discovery, the Court finds that Plaintiffs may make specific
23 discovery requests regarding subject matter transactions. Discovery outside the geographic hubs
24 and markets specified in the August 8, 2006 discovery order must be particularized rather than
25 blanket discovery. If the discovery is particularized and is relevant or reasonably calculated to
26 lead to the admissibility of evidence, the Court will probably allow the discovery if the discovery
27 requests are specific, targeted and not burdensome. If the requests are vague or difficult to
28


1 define, that factor would militate against compelling responses. If the discovery is burdensome,
2 Defendants shall specify the burden to respond to the discovery. In all other respects, the normal
3 rules of discovery, as set forth in the statutes, rules and case law, govern the requests and
4 responses.

5 2. Defendants CMS and Williams are to provide supplemental responses in light of
6 the foregoing.

7 3. If there are further discovery issues that arise, the parties are to meet and confer to
8 try to informally resolve any disputes. If the parties are unable to informally resolve their
9 disputes, they are to notify the Court and schedule an *ex parte* hearing. The parties do not need
10 to bring a formal motion. Instead, they should present a grid to the Court which includes a
11 continuum of the most to least objectionable discovery requests.

12 IT IS SO ORDERED.

13
14 Dated: MAY 16 2007



RONALD S. PRAGER